

**TOWN COUNCIL
REGULAR MEETING
APRIL 15, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:06 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis and Councilmembers Bush, Paul and Weiner. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting. Vice-Mayor Cox was absent.

Mayor Venis passed the gavel and made a motion, seconded by Councilmember Bush, to excuse Vice-Mayor Cox for her absence. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

3. PRESENTATIONS

3.1 Children's Services Grant

Bette Stark, Recreation Supervisor, advised that the Town had received a \$34,500 grant from the Broward County Human Services Department - Children Services Administration Division. She stated that the funds would enhance the Town's Summer Daze Program which she explained. Ms. Stark presented the check to Mayor Venis.

3.2 Antonio's Pizza-Rant

Mayor Venis presented a certificate to Antonio's Pizza-Rant for their generous donation to Flamingo Elementary School. Councilmember Paul advised that Antonio's Pizza-Rant was raising money by donating a percentage of the "evening's take" a few evenings a year to the School. Kathy Morris, principal of Flamingo Elementary School, indicated that the School had a great partnership with Antonio's.

3.3 Raquel Gray, Administrative Secretary - Five Years

Ms. Gray was not present.

3.4 Frank Apicella, Information Systems Manager - Ten Years

Mayor Venis presented Mr. Apicella with a service award.

3.5 John Chisefsky, Plant Operator I - Ten Years

Mr. Chisefsky was not present.

3.6 James Franquiz, Police Officer - Ten Years

Mayor Venis presented Officer Franquiz with a service award later in the meeting.

3.7 Kim Sexton, Payroll Assistant - Ten Years

Mayor Venis presented Ms. Sexton with a service award.

3.8 Stanley Wagner, Maintenance Technician I - Ten Years

Mayor Venis presented Mr. Wagner with a service award.

3.9 WestFair

Mayor Venis presented certificates to Five Star Rodeo and Gold Coast Dog Club of Broward for their help with the WestFair events.

3.10 Safety Summit Update

An unidentified woman [Joy Yoder] thanked Councilmember Paul, Special Projects Coordinator Bonnie Stafiej and the Town's Police Explorers for their involvement with the Summit. She also thanked those who participated

in the Summit. She explained the Summit program and a proposed Adopt A Trail program. The woman advised that a Project Stable luncheon would be held on May 31, 1998.

Mayor Venis presented a certificate of appreciation for the Safety Summit to Ms. Yoder. He also presented certificates to Police Explorers: John Yoder, Scott Yoder, and Jose Velez. James Brucken and Donald Prichard were not present

3.12 Community Redevelopment Agency

Neal Kalis, Agency Chair, updated Council on the Agency's efforts.

3.12 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: mail-in registration [basketball] (ends May 29th) and player ratings (June 13th); summer teen program (June 15th - July 24th); summer job employment (applications currently being accepted); mail-in registration for summer drop in program (begins April 20th); and youth sports parents meeting (April 16th).

Ms. Stafiej thanked those individuals and organizations who helped with the Easter egg hunt. She advised that upcoming events included: Take A Kid Fishing (April 18th); 5 Star Rodeo (April 24th - 25th) and the Annual Children's Festival and Birthday Bash (May 9th).

4. OCCUPATIONAL LICENSES

4.1 Blast-Off Quality Pressure Cleaning, 3251 SW 133 Terrace

The applicant was not present.

4.2 Purple Pelican Glass Design, 2161 SW 113 Avenue

Mary Novak, the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

4.3 Simply Green Lawn Care, 2750 SW 121 Avenue

Michael Scandizzo and Ryan Hicks, the applicants, were present. Both confirmed that the request was for mail and phone use only.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Mayor Venis advised that item 9.7 needed to be tabled to May 20, 1998.

Councilmember Paul made a motion, seconded by Councilmember Bush, to table [to May 20, 1998]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Mayor Venis indicated that item 7.14B regarding the Rexemere annexation agreement needed to be added to the agenda.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to add [item 7.14B]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Town Clerk Reinfeld announced that item 9.8 had been withdrawn.

5. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

COUNCIL AGENDA. Councilmember Weiner stated that prior to being elected, he had discussed rearranging the Council agenda so that residents would not have to wait until the end of the agenda. He asked that staff look into restructuring the agenda and recommended that Council comments be moved or limited so that issues that the residents wanted to address were moved to the beginning of the agenda.

SMOKING. Councilmember Weiner hoped that the Town had a policy that there was no smoking the meeting room.

COUNCILMEMBER BUSH

BROWARD DAYS. Councilmember Bush stated that he and Mr. Flatley drove to Tallahassee for Broward Days held on April 8 - 9, 1998 and indicated that they lobbied the legislators on several issues including annexation bills. He added that he and Mr. Flatley attended a statewide legislative committee meeting on utility matters and they were successful in encouraging the committee to require a study on utility taxes. Councilmember Bush advised that the study should be completed this summer. He indicated that the annexations had cleared the Community Service Committee and were now at the Local Bill Committee stage.

VICE-MAYOR COX

Vice-Mayor Cox was absent.

COUNCILMEMBER PAUL

SAFETY SUMMIT. Councilmember Paul thanked Ms. Yoder for her work with the Safety Summit and asked Ms. Pierce-Kent to contact Ms. Yoder on ideas for open space.

POLICE EXPLORERS. Councilmember Paul stated that the Police Explorers were holding a car wash on May 8th to raise funds for a trip to Washington. She congratulated the graduates of the most recent Explorer Academy: Brian Dodge, Michael Silver, Brian Homenick, Chris Taylor, and Phillip Tavares.

SOROPTIMIST HOME TOUR. Councilmember Paul stated that the Soroptimist's 14th Annual Home Tour was being held on May 2nd and the cost was \$15.

POLICE DEPARTMENT. Councilmember Paul stated that on April 14th, she spent the day with the different divisions in the Police Department. She congratulated Jeffrey Yeager and Chad Bishop who were sworn in as new police officers.

AFTERSCHOOL PROGRAM. Councilmember Paul stated that the Broward County Human Services Department - Children Services Administration Division had recommended to the Broward County Commissioners that the afterschool program at Orange Park be funded. She indicated that if this program was funded, the program would begin in the Fall of 1998 and requested that the Town send a letter to the County Commissioners requesting this supplemental funding.

BURROWING OWLS. Councilmember Paul stated that it was burrowing owls nesting season and these owls were protected. She said that if anyone had questions, they could contact her and she would provide information on the appropriate people to call.

13TH ANNUAL BRAIN BOWL. Councilmember Paul stated that Jean Kane, Broward County Curriculum Specialist for Social Studies, hosted the 13th Annual Brain Bowl and thanked him for utilizing Rolling Hills Hotel.

INFORMAL MEETINGS. Councilmember Paul stated that she would be holding informal meetings on April 22nd at Western High School and April 29th at the Ivanhoe Community Room and invited individuals from District 4 to attend.

MAYOR VENIS

UTILITIES. Mayor Venis stated that he had been in Tallahassee presenting a report to Representative Arnell, Chairman of the Utility and Telecommunications Committee, who commissioned his staff to review the report. He advised that the Committee passed the report 15 to 1 to conduct a statewide study. Mayor Venis indicated that the Town would be having a major grass roots effort during the summer to collect petitions from households who were serviced by the City of Sunrise.

FUNDRAISER. Mayor Venis stated that the wrestling fundraiser for Flamingo Elementary School was a huge success and over \$8,000 profit was raised. He indicated that the money would be used to purchase computer equipment and added that the Parent Teacher Organization had raised \$15,000 in one fiscal year.

BLASTING. Mayor Venis stated that at the last meeting, blasting in Ivanhoe was discussed and advised that blasting in this area had been grandfathered in from a preannexation agreement a number of years ago. He indicated that he and Assistant Town Administrator Robert Rawls would be visiting the site to witness the blasting.

PIZZA LOFT. Mayor Venis stated that there was a major story regarding Pizza Loft in the Pizza Today magazine.

RON HADANAK. Mayor Venis stated that he had spoken to a number of residents in the trailer park next to Town Hall and he learned that one of the residents, Ron Hadanak, had passed away. He offered his condolences to the family. Mr. Flatley indicated that a tree would be planted in Mr. Hadanak's memory.

6. TOWN ADMINISTRATOR'S COMMENTS

UTILITY SURCHARGES. Christopher Wallace, Director of Budget and Finance, stated that the Florida League of Cities strongly opposed the proposal made by Mayor Venis as the League felt the proposal "imposes the PSC" and infringes on a city's home rule power. He indicated that he had contacted the League to explain the Town's proposal. Mr. Wallace asked that Council contact members of the local delegation to express strong support for the proposal or a reasonable accommodation to provide representation to citizens concerning water and sewer bills. He also recommended that the Town send a letter to the League indicating that "sometimes, you have to choose sides" or try to find another accommodation. Discussion followed.

PENSION PLANS. Mr. Wallace stated that the League was also strongly recommending that the cities become involved with pending legislation regarding public safety pension plans. He indicated that the legislation would cost the Town approximately \$700,000 annually and would probably require the Town to raise taxes approximately \$33 per household. Mr. Wallace added that this legislation would take away money that the State of Florida had previously given and took away any money that would also go into the plan for the future. He indicated that the League was requesting that local officials contact the local legislature to express concern on the costs of this legislation. Mayor Venis questioned if letters from each Councilmember and Mr. Flatley would suffice with Mr. Wallace replying in the affirmative. Mayor Venis asked Mr. Flatley to have staff draft letters for Council's signatures.

7. CONSENT AGENDA

Proclamation

7.1 Blue Ribbon Week (last week of April 1998)

Resolutions

7.2 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-119 APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 97-066 FROM \$2,750 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE. (F., F.L., and Mario F. Martorella et uxes)

7.3 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-120 APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 97-070 FROM \$2,250 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE. (F., F.L., and Mario F. Martorella et uxes)

7.4 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-121 APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 97-366 FROM \$7,750 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE. (Chevron USA, Inc.)

7.5 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-122 ACCEPTING AN ADDENDUM TO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, WHICH IS A GOVERNING BODY OF THE SCHOOL DISTRICT OF BROWARD COUNTY, FLORIDA, AND THE TOWN OF DAVIE, A NON-PROFIT PROVIDER FOR BEFORE AND AFTER SCHOOL CHILD CARE AND/OR ON-SITE SUMMER RECREATION PROGRAMS.

7.6 **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,

R-98-123 AUTHORIZING APPLICATION, APPROVAL AND EXECUTION FOR A GRANT UNDER THE STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

7.7 PREVENTION PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, R-98-124 FLORIDA, AUTHORIZING FUNDING FROM THE LAW ENFORCEMENT TRUST FUND TO SUPPLEMENT THE DAVIE POLICE DELINQUENCY PREVENTION PROGRAM AT ORANGE PARK. (not to exceed \$4,200)

7.8 CONSULTANT SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, R-98-125 FLORIDA, APPROVING THE RANKINGS FOR CONSULTANT SERVICES TO PREPARE AN OPEN SPACE MANAGEMENT PLAN AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKING FIRM. (open space management plan for the C-11 Canal and Robbins Open Space Preserve)

7.9 INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-98-126 FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE FOR DEVELOPMENT PERMIT SERVICES REGARDING PARCEL "A", "COQUINA FLATS"; AND PROVIDING AN EFFECTIVE DATE.

7.10 INTERPRETATION OF CHARTER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DECLARING THE LEGISLATIVE INTENT WITH RESPECT TO INTERPRETATION OF SECTION 12(A) OF THE TOWN CHARTER WITH RESPECT TO THE GRANTING OF FRANCHISES BY COMPETITIVE BIDDING OR NEGOTIATIONS; AND PROVIDING AN EFFECTIVE DATE.

7.11 FINAL SPECIAL ASSESSMENT COSTS - A RESOLUTION OF THE TOWN OF R-98-127 DAVIE, FLORIDA, CERTIFYING THE FINAL COSTS OF THE IMPROVEMENTS OF THE SPECIAL ASSESSMENT FOR THE INSTALLATION OF A POTABLE WATER SYSTEM SERVICING TRACT 16, SECTION 27, TOWNSHIP 50 SOUTH, RANGE 40 EAST OF FLORIDA FRUITLANDS CO. SUBDIVISION, RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, TOGETHER WITH PORTIONS OF THE SOUTH ONE-THIRD OF THE SOUTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 50 SOUTH, RANGE 40 EAST LESS THE ADJOINING PUBLIC AND PRIVATE RIGHTS-OF-WAY; ALSO KNOWN AS LOTS 1 THROUGH 136 OF SUNNYLANE FARMS (UNRECORDED), ALL OF SAID PROPERTY BEING WITHIN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA; CERTIFYING THE LIENS IMPOSED ON THE IMPROVED PROPERTIES; AND PROVIDING AN EFFECTIVE DATE.

7.12 PREANNEXATION AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-98-128 FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN ANNEXATION AGREEMENT BETWEEN PARK CITY ESTATES HOMEOWNERS ASSOCIATION, INC. AND PARK CITY MANAGEMENT CORPORATION AND THE TOWN OF DAVIE, FLORIDA. (tabled from April 1, 1998)

7.13 PREANNEXATION AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN ANNEXATION AGREEMENT BETWEEN UNIPROP MANUFACTURED HOUSING COMMUNITIES INCOME FUND I (KINGS MANOR MOBILE HOME PARK), AND THE TOWN OF DAVIE, FLORIDA

7.14A PREANNEXATION AGREEMENT AMENDMENT - A RESOLUTION OF THE R-98-129 TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-98-69 CONCERNING ANNEXATION OF REXMERE VILLAGE INTO THE TOWN OF DAVIE; SUBSTITUTING A REVISED PREANNEXATION AGREEMENT AS EXHIBIT "A" THERETO; AND PROVIDING AN EFFECTIVE

DATE.

7.14B PREANNEXATION AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-98-130 FLORIDA, AUTHORIZING EXECUTION OF AN AGREEMENT CONCERNING THE ANNEXATION OF REXMERE VILLAGE BY AND BETWEEN THE TOWN OF DAVIE AND CURTIS DEEM AND MARILYN DEEM; AND PROVIDING AN EFFECTIVE DATE.

7.15 LETTER OF UNDERSTANDING - A RESOLUTION OF THE TOWN OF DAVIE, R-98-131 FLORIDA, AUTHORIZING AN AMENDMENT TO THE MOUNTED UNIT LETTER OF UNDERSTANDING, SECTION 3, DATED JANUARY 25, 1996, BETWEEN THE FRATERNAL ORDER OF POLICE AND THE TOWN OF DAVIE.

Ordinance - First Reading (Public Hearing to be held May 6, 1998)

7.16 AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 97-57 WHICH WAS AN ORDINANCE VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN THE FOREST RIDGE CLUSTER HOMES I PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 7-1-97, 2966 Myrtle Oak Court)

Mayor Venis asked that items 7.7, 7.10, and 7.11 be removed from the Consent Agenda. Councilmember Bush asked that item 7.14B be removed. Councilmember Bush asked that item 7.14B be removed. Councilmember Paul asked that items 7.4, 7.12, 7.13, and 7.14A be removed.

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on item 7.16 would be held on May 6, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve the Consent Agenda without items 7.4, 7.7, 7.10, 7.11, 7.12, 7.13, 7.14A and 7.14B. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

7.7 Mayor Venis explained the resolution.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

7.10 Mayor Venis stated that the resolution clarified competitive negotiation and suggested that a comprehensive ordinance be prepared that set forth criteria on what would be considered competitive negotiations. He indicated that he did not think the resolution addressed what Council wanted and suggested that this issue be discussed at the workshop regarding Charter issues. Mr. Webber advised that there were certain franchises that may not fit the criteria. He stated that it made sense to look at this issue and prepare an ordinance to specify what would be included and what the procedure would be.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to withdraw item 7.10, draft an ordinance at an upcoming workshop and to place it on the agenda. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

7.11 Mayor Venis congratulated Utilities Director Daniel Colabella and the Utilities Department for bringing in a project well under cost.

Councilmember Weiner indicated that he would need to abstain from voting as one of his clients was involved in litigation with a business that is owned by an individual who lived within this area.

Councilmember Bush made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - abstain. (Motion carried 3-0)

7.4 Councilmember Paul asked for a clarification which Development Services Director Michele Mellgren explained.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - out of room; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 3-0)

7.14B Councilmember Bush asked for a clarification which was provided by Mr. Webber. Councilmember Bush thanked Mr. Webber and Mr. Flatley for their efforts on this issue.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

7.12, 7.13, and 7.14A Councilmember Paul stated that the preannexation agreements included an item that the areas to be annexed would provide their own garbage collection until the year 2020 and wanted to know what this would cost the Town. Mr. Flatley indicated

that the anticipated revenue was approximately \$1.4 million each year and the total annual loss from the garbage franchise fee was \$13,000 for all four parks. He stated that the franchise contract would be honored by the Town until the year 2020.

Councilmember Paul questioned the special police coverage and cellular phones. Police Chief Jack Mackie indicated that he intended to have one bicycle patrol in each of the 12 districts within the Town. He added that each officer had a pager and the officers who would be assigned to the parks would receive a cellular phones

Councilmember Paul questioned if these arrangements would be available throughout the entire Town. Chief Mackie responded that this arrangement was more suitable in a mobile home environment than townwide and recommended that these arrangements be made gradually. He indicated that he thought that cellular phones would be utilized throughout Broward County.

Councilmember Paul questioned if the fire coverage was included in the budget. Mr. Flatley replied that this expense could be budgeted by Council.

Councilmember Paul questioned item 7.13. Mr. Webber requested that this item be tabled to the next meeting.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table item 7.13 [to May 6, 1998]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve items 7.12 and 7.14[A]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

8. SITE PLANS

8.1 SP 10-2-97, Security Storage (Griffiths Plat), 13290 State Road 84 (B-3) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and a minor adjustment on the plans to be made at the SW 133 Avenue entrance to achieve the 50 foot radius and, if buildings B or B1 are reduced in size, then buildings C, D, E, and F can be increased as long as the turning radius for the fire trucks can be maintained*

Bill Laystrom, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, read the planning report.

Mr. Laystrom indicated that the petitioner concurred with the staff's and Site Plan Committee's recommendations along with Mayor Venis's zoning condition on additional trees. He added that the petitioner also concurred with the readjustment of the radii and any lighting in the rear of the building would be kept focused on the site.

Councilmember Paul asked if the 15 foot freestanding sign would be lit with Mr. Laystrom replying affirmatively.

Councilmember Weiner asked if the sign would be below or above the top of the building. Mr. Laystrom responded that the sign would be below the top of the building as it was a monument type sign.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

8.2 SP 12-6-97, Budget Mini-Storage, 15701 SW 41 Street (BP) *Planning and Zoning Division approved subject*

to the planning report; Site Plan Committee approved subject to the planning report and changing the internal circulation by removing the parking lane

Bill Laystrom, representing the petitioner, was present. Ms. Easterling read the planning report. Mr. Laystrom explained the project.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to the Site Plan Committee's and Planning and Zoning Division recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

8.3 SP 12-9-97, Petrozone @ Davie, 8491 Orange Drive (B-3) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report with the exception of number 5B, as well as switching four Calathea trees on the south side with the existing palms that are required on the site, eliminating item 4 in the planning report, changing the roof slope from 3:1 to 4:1; and, providing 60 additional Ixora Nora Grant hedges in the terminal islands on the west side of the store

Hector Venus, representing the petitioner, was present. Ms. Easterling read the planning report.

Mayor Venis asked if the petitioner had met with the residents. Ms. Mellgren indicated that she had spoken with the president of the homeowner's group and it was staff's opinion that the project met some of the technical requirements of the Code; however, the Code indicated that it was the intent of the Code to protect the appearance of the community. She offered that this project was not consistent with the appearance of the community.

Mayor Venis indicated that he hoped the petitioner would "marry" into the community and asked if the petitioner was willing to do this. Mr. Venus responded affirmatively. Mayor Venis asked if the petitioner would be amenable to tabling this item and returning to the Site Plan Committee. Ms. Mellgren agreed that the Site Plan Committee should review the project again.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table to May 6, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

8.4 SP 2-5-98, Wacky Putt @ Shenandoah Square, 13722 State Road 84 (B-2) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and providing a 36 inch ficus hedge, planted 24 inches on center, around the dumpster

Gus Aguirre, representing the petitioner, was present. Ms. Easterling read the planning report.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

9. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

9.1 AMENDMENT TO REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, 98-18 FLORIDA, AMENDING ORDINANCE NO. 97-045 WHICH WAS AN ORDINANCE REZONING PROPERTY FROM A-1, B-1, AND B-2 TO B-3 SUBJECT TO VOLUNTARY DEED RESTRICTIONS AND A CONCEPTUAL MASTER PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (ZB 3-1-97, Country Western Store, 7550 Griffin Road)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

9.2 REVISION OF PERSONNEL RULES AND REGULATIONS - AN ORDINANCE OF 98-19 THE TOWN OF DAVIE, FLORIDA, REVISING THE TOWN OF DAVIE'S PERSONNEL RULES

AND REGULATIONS BY AMENDING RULE I, SECTION 5, AND RULE XIV, SECTION 3; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Vacation/Abandonment

9.3 **VACATION** - VA 2-1-98, Town of Davie, 6700 block of Hawkes Bluff Avenue (to vacate a portion of Hawkes Bluff Avenue south to Slydgemill Road to the southern limits of the Waverly Hundred Plat) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

Mayor Venis asked if anyone objected to the vacation with no one responding. Ms. Mellgren summarized the planning report.

Mayor Venis asked if anyone wished to speak for or against the application. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Quasi Judicial Items

9.4 **REZONING** - ZB 2-1-98, American Land Housing Group, Inc./Collier Properties Partners, 3703 State Road 84 (from T-1C and B-2 to RM-16) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in staff and the witnesses. Mr. Webber asked if anyone would be speaking in opposition to the petition with no one responding.

Ms. Mellgren summarized the planning report.

Councilmember Paul stated that at the last meeting, there was discussion on the trees, canopy, seawall, and mangroves. She questioned if a tree survey could be provided prior to the review and approval of the site plan.

Ms. Mellgren responded affirmatively and indicated that staff would work on preserving the trees and the canopy.

Bonnie Miskel, representing the petitioner, concurred with staff's recommendation and requested Council's approval. She stated that the petitioner had been meeting with the Department of Natural Resource Protection (DNRP) and the petitioner would be preserving the banyon trees and some of the larger trees. Ms. Miskel added that the petitioner would also be preserving as many Australian Pines to the extent permitted by DNRP.

Mr. Webber asked if anyone wished to provide testimony in favor of the rezoning.

Al Tyler, 8090 SW 19 Court, was sworn in and spoke against the rezoning.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Ms. Miskel confirmed that the tree survey would be provided prior to the site plan.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve subject to the stipulation of a tree survey being included. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

9.5 **REZONING** - ZB 2-2-98, Sims, 4700 South University Drive (from A-1 to B-2) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report.

Stephen Sims, the petitioner, indicated that he agreed with the staff's report.

Councilmember Paul asked if the petitioner had plans for the property. Mr. Sims responded that nothing was being changed except the zoning. Ms. Easterling explained the reason the petitioner requested the rezoning and discussed the surrounding areas.

Mayor Venis asked if it was the appropriate time to "affect" deed restrictions. Ms. Easterling indicated that this

would be the time if Council wanted to impose and request restrictions. Mayor Venis stated that as there was no plan, he did not know what type of restrictions he would want to impose. He questioned if Council decided to approve the rezoning, could the approval be subject to the stipulation that restrictions could be imposed at a later time. Ms. Mellgren responded that the petitioner would have to voluntarily agree to this request. Mr. Webber indicated that he did not think the restrictions could be left open ended for the Town to later agree to restrictions and added that the request could be postponed to have staff propose restrictions that the applicant would be agreeable to.

Ms. Mellgren advised of the uses that were allowed under the proposed zoning. Councilmember Weiner questioned the traffic impact of the allowable uses. Ms. Mellgren responded that some of the uses would be somewhat fairly substantial; however because the property was not yet platted, the petitioner would have to overcome the concurrency issue at the County level. Mayor Venis indicated that he did not have any problem with the allowable uses.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning.

Al Tyler, 8090 SW 19 Court, spoke in favor of the rezoning.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

9.6 VARIANCE - V 2-1-98, Jeffrey Gross Associates/Architects PA/LDG Corporation, 4490 SW 64 Avenue (to reduce the required lot size from 52,500 square feet to 20,000 square feet; to reduce the minimum lot depth from 200 feet to 114 feet on Davie Road and from 200 feet to 166.68 feet on Orange Drive) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to providing a six foot covered boardwalk*

Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial. Jeffrey Gross, representing the petitioner, explained the request and agreed with the planning report; however, regarding the six foot walkway, he indicated that there was only five feet along Orange Drive. He stated that the petitioner was in agreement with the boardwalk along Davie Road but had problems with the requirement along Orange Drive.

Mr. Webber asked if anyone wished to comment on the variance.

Neal Kalis, Chair of the Community Redevelopment Agency, indicated that the Agency would like to work with the petitioner on this matter. He indicated that there would be a brick sidewalk installed by the Florida Department of Transportation (DOT) and said that it would be nice if the area underneath the overhang on Davie Road be bricked to match the sidewalk. A discussion followed on the boardwalk with Ms. Mellgren informing that the five foot was fine.

Councilmember Weiner asked if the petitioner was willing to make the boardwalk consistent with the intended brick sidewalk. Mr. Gross stated that the petitioner was asking Council "to treat us the same as anyone else on the street" as the petitioner had to return to DOT to prove what was required. Mayor Venis indicated that any petitioner would be asked this same question and this petitioner was not being treated any differently. Mr. Webber stated that Council had the right to make this a condition for the granting of a variance.

Mr. Webber stated that the hearing was concluded.

Councilmember Bush made a motion, seconded by Councilmember Paul, to approve with the additional condition of the brick paving to be uniform with the wrap around to remain within the property limits five feet on Orange Drive. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Items to be Tabled or Withdrawn

9.7 PLANNING AND ZONING BOARD TABLED TO APRIL 29, 1998; COUNCIL CAN TABLE TO MAY 20, 1998

VACATION/ABANDONMENT - VA 12-1-97, Nickerson, 5357 SW 48 Street (tabled from March 18, 1998)
This item was tabled earlier in the meeting.

9.8 WITHDRAWN BY APPLICANT

LABC 98-1B, Laystrom/Chelsea Lynn, Inc., southwest corner of State Road 84 and SW 121 Avenue (tabled from March 18, 1998)

This item was withdrawn by the applicant.

Mayor Venis closed the public hearing portion of the meeting.

10. ORDINANCES

First Reading (Public Hearing to be held May 6, 1998)

10.1 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF A 60 FOOT ROAD RIGHT-OF-WAY FOR HAWKE'S BLUFF AVENUE AND ADJACENT 12 FOOT UTILITY EASEMENT WITHIN THE WAVERLEY HUNDRED PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 2-1-98, Town of Davie, 6700 block of Hawkes Bluff Avenue)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis advised that a public hearing on item 10.1 would be held on May 6, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

10.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM T-1C(HAC. VILL.) AND B-2 (HAC. VILL.) TO RM-16; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-1-98, American Land Housing Group, Inc./Collier Properties Partners, 3703 State Road 84)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis advised that a public hearing on item 10.2 would be held on May 6, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

10.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO B-2; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-2-98, Sims, 4700 South University Drive)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis advised that a public hearing on item 10.3 would be held on May 6, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

11. APPOINTMENT

11.1 Open Space Advisory Committee (exclusive appointment - Councilmember Weiner; term expires July 1998)
Councilmember Weiner appointed Barbara Rosen.

11.2 Community Redevelopment Agency (exclusive appointment - Councilmember Paul; term expires April 2002)

Councilmember Paul appointed Cindy Osborne.

11.3 Parks and Recreation Board (exclusive appointment - Councilmember Paul; term expires August 1998)
Councilmember Paul appointed Gayle Ling.

11.4 Unsafe Structures Board (3 non-exclusive appointments - attorney, citizen, and real estate appraiser; terms expire April 2001)

Mayor Venis nominated Dean Alexander. No other nominations were noted. In a voice vote, with Vice-Mayor Cox being absent, all voted in favor.

Councilmember Weiner nominated Debbie Apolinario. No other nominations were noted. In a voice vote, with Vice-Mayor Cox being absent, all voted in favor.

The appointment of a real estate appraiser was deferred to the May 6, 1998 meeting.

11.5 Broward League of Cities Voting Delegate and Alternate

Mayor Venis nominated Councilmember Bush as the Voting Delegate. Councilmember Weiner indicated that he would like to serve as the Voting Alternate. In a voice vote, with Vice-Mayor Cox being absent, all voted in favor.

12. DISCUSSION AND POSSIBLE ACTION - OLD BUSINESS

12.1 Emergency Medical Services - pending motions which were automatically tabled from April 1, 1998 to April 15, 1998 Council meeting

- Subject to Mr. Wallace's saying that money was available, that the Town purchase two units that were available as demo units and allocate money to hire two additional firefighter/paramedics or paramedics if cross trained were not available to start the training process.

- Withhold 20% from the payment due for the month of February or March whichever one has not been paid to AMR from the monthly subsidy.

Mr. Webber advised that because of a two-two vote at the last meeting on the above referenced items, these items were automatically tabled. Because Mayor Venis was not present at the last Council meeting, Mr. Webber asked Mayor Venis if he had reviewed the discussion with Mayor Venis replying in the affirmative. Mayor Venis recommended that the plan drafted by the Fire Department be discussed at a workshop meeting. He added that he and Mr. Wallace had discussed the availability of financing which had not been finalized for the phase in of the system. Mayor Venis stated that several municipal fire chiefs had indicated that they would like to provide input and recommended that the Fire Department's management contact these individuals.

Mayor Venis made a motion subject to Mr. Wallace's saying that money was available, that the Town purchase two units that were available as demo units and allocate money to hire two additional firefighter/paramedics or paramedics if cross trained were not available to start the training process. He added that he would like to schedule a workshop to review the draft plan in detail. Councilmember Paul thought the workshop was a good idea, however because of timeframes, she thought the workshop should be held quickly. Mayor Venis requested that Town Clerk Reinfeld contact Council to schedule a date.

Councilmember Weiner questioned how long it would take to prepare a study if there was money available. Mr. Wallace advised that with adjustments, the Town finished within 1% of its revenues. He indicated that there were significant issues "going forward with EMS and fire on the side" and Council needed to consider "when you take over the system, what that means and when you do it in context of the finances". Mr. Wallace stated that there were items that were still cloudy and there were items which could significantly alter what the Fire Department had prepared regarding labor costs. He added that reserves could be used to finance the two employees and two pieces of equipment; however, Council might be doing something that it might want to do in a different manner at a different time.

Mr. Webber advised that the motion pending had been seconded [by Councilmember Paul at the April 1, 1998 Council meeting]. Councilmember Bush stated that he had been concerned with the motion made at the previous meeting to spend approximately \$300,000; however, because of the report that had recently been provided, he now had some knowledge of what would be voted on.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Mr. Flatley distributed a letter from George Platt, who represented American Medical Response (AMR), regarding the EMS service contract. Mr. Webber advised that AMR had made various representations as to the number of anticipated calls and the Town's population. He indicated that he would need to review the entire contract to determine if there was any merit to the allegations. Mr. Webber explained that AMR was threatening the

Town that holding back the 20% would be violative of the terms of the contract. He suggested that the 20% be held back temporarily until a response could be prepared.

Councilmember Weiner modified the pending motion to comport with counsel's recommendation.

Councilmember Paul seconded the modification.

Mayor Venis asked for a clarification on Mr. Webber's suggestion. Mr. Webber explained that he was suggesting that the decision to withhold the 20% be deferred until such time that he and staff could return to Council with a response to Mr. Platt's letter at which time Council would make a decision. He stated that in the mean time, the 20% should not be paid. Mayor Venis recommended that instead of a motion, that Council direct Mr. Flatley to follow Mr. Webber's recommendation. Discussion followed.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - absent; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

13. NEW BUSINESS

13.1 Time Limitations

Councilmember Paul indicated that a number of cities had time limitations on Council meetings and suggested that the Town place time limitations. She suggested that the time limit be 10:30 p.m. with an additional hour being allowed by a unanimous vote of Council. At that point, Council would complete the discussion on the item being reviewed and then either a special meeting to complete the agenda or schedule one meeting a month for presentations. Councilmember Paul stated that Councilmember comments should be moved to the end of the agenda. After some discussion, Mayor Venis recommended that this issue be discussed at the goal setting workshop scheduled for May 13th.

13.2 American Medical Response

Councilmember Paul stated that this issue concerned the 120 day notice that was tied into the phase in. She suggested that this issue be deferred to the workshop meeting.

Mayor Venis asked if a motion or guidance was needed from Council. Mr. Flatley responded that guidance was needed.

Councilmember Paul questioned the interpretation of when a plan may be in place. Mr. Flatley stated that it was triggered when staff knew the plan could be implemented with four or five months.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:23 p.m.

